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FILED
DISTRICT COURT OF GUAM

JAN 18 2008

JEANNE G. QUINATA
Clerk of Court

8 IN THE DISTRICT COURT OF GUAM

9 JJ PACIFIC DEVELOPMENT
CORPORATION,

Plaintiff,

11 vs.

12 LPP MORTGAGE LTD.,

Defendant.

CIVIL CASE NO. 07-00029

~~PROPOSED~~ SCHEDULING ORDER

15 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule
16 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling Order:

17 1. The nature of the case is as follows: Plaintiff seeks to quiet title in certain real
18 property located in the Territory of Guam and to recover damages for slander of title, or in the
19 alternative for a declaratory judgment confirming Plaintiff's right to redeem foreclosed property. This
20 action began in the Superior Court of Guam but was removed by Defendant on October 19, 2007.
21 Defendant has filed counterclaims seeking a declaration that the title of Plaintiff in the property has been
22 foreclosed in favor of Defendant and that Plaintiff has no right to redeem title, deficiency judgment,
23 general, special, consequential and exemplary damages and an order declaring the Notice of *Lis Pendes*
24 void.

25 2. The posture of the case is as follows:

- 26 a) The following motions are on file: None.
27 b) The following motions have been resolved: None.
28 c) The following discovery has been initiated: None.

[PROPOSED] SCHEDULING ORDER
G0027791.WPD;3

1 3. All motions to add parties and claims shall be filed on or before: February 29,
2 2008.

3 4. All motions to amend pleadings shall be filed on or before: February 29, 2008.

4 5. Status of Discovery:

5 a) The times for disclosures under Rules 26(a) ^{and} 26(e) of the Federal Rules
6 of Civil Procedure are modified as follows: Initial disclosures shall be exchanged by the parties on
7 February 8, 2008.

8 b) The following is a description and schedule of all pretrial discovery each
9 party intends to initiate prior to the close of discovery:

10 Plaintiff: depositions, interrogatories, requests for documents, requests for admissions

11 Defendant: depositions, interrogatories, requests for documents, requests for admissions

12 6. The parties shall appear before the District Court on January 17, 2008, at 10:00
13 a.m. for the Scheduling Conference.

14 7. The discovery cut-off date (defined as the last day to file responses to discovery)
15 is June 27, 2008.

16 8. a) The anticipated discovery motions are: Not known at this time.

17 All discovery motions shall be filed on or before July 3, 2008, ^{and} ~~heard on or before~~ ^{July 3, 2008}

18 _____.
19 b) The anticipated dispositive motions are: Plaintiff anticipates filing a
20 motion for summary judgment. Defendant also anticipates filing a motion for summary judgment.

21 All dispositive motions shall be filed on or before September 8, 2008, ^{and} ~~heard on or~~ ^{before}
22 before _____.

23 9. The prospects of settlement are: Fair.

24 10. The Preliminary Pretrial Conference shall be held on the ^{14th} 13th day of October,
25 2008 at 10:30 a.m. ~~(no later than twenty-one (21) days prior to trial date).~~

26 11. The parties' pretrial materials, discovery materials, witness lists, designations and
27 exhibits lists shall be filed on or before October 20, 2008 (no later than fourteen (14) days prior to trial).
28

12. The Proposed Pretrial Order shall be filed on or before the 20th day of October, 2008 (no later than fourteen (14) days prior to trial).

13. The Final Pretrial Conference shall be held on the 27th day of October, 2008 at 9:30a.m. (seven (7) days prior to trial).

14. The trial shall be held on the 3rd day of November, 2008, at 9:30a.m. (in no event shall the trial be later than 18 months after the complaint is filed, unless the Court otherwise allows).

15. The trial is not a jury trial.

16. It is anticipated that it will take four (4) days to try this case.

17. The names of counsel on this case are:

Attorneys for Plaintiff:

Arthur B. Clark, Esq.
Janalynn C. Damian, Esq.
CALVO & CLARK, LLP
655 S. Marine Corps Drive, Suite 202
Tamuning, Guam 96913

Attorneys for Defendant:

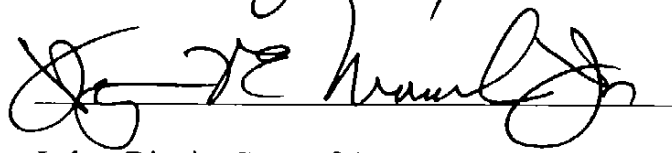
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18. The parties do/do not wish to submit this case to a settlement conference.

19. The parties present the following suggestions for shortening trial: stipulations as to the admissibility of documents as evidence and as to facts that are not in dispute.

20. The following issues will also affect the status or management of this case: Plaintiff believes that the principals of Defendant who may be called as witnesses reside off-island.

SO ORDERED this 17th day of January, 2008.



Judge, District Court of Guam

1 **APPROVED AS TO FORM AND CONTENT:**

2 **CALVO & CLARK, LLP**

3 Attorneys at Law

4 Attorneys for Plaintiff

5 *JJ Pacific Development Corporation*

6 Date: January 7, 2008


7 By: 

JANALYNN CRUZ DAMIAN

9 **McCULLY & BEGGS, P.C.**

10 Attorneys for Defendant

11 *LPP Mortgage Ltd.*

12 Date: January , 2008

13 By: 

14 MARK S. BEGGS

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DISTRICT COURT OF GUAM
HAGATNA, GUAM